

REMARKS

The final Office Action mailed December 22, 2009 has been received and reviewed. In response, Applicants have filed a Request for Continued Examination and amended claims. Claims 21-32 are pending. By this Amendment, claims 21, 27, 29, and 31 have been amended. Applicants request reconsideration and a Notice of Allowance.

A. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 21-32 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action states that claims 21 and 27 fail to recite sufficient structure elements and interconnection of the elements to positively position and define how the two feet are received in the cups so that an integral structure that is able to function as claimed is recited.

Applicants have amended claims 21 and 27 to address this issue. For example, in claim 21, the claim has been clarified to recite that each foot of the at least 2 feet of each loading ledge is received in a different one of the cups. Claim 27 has been amended to clarify that the step of arranging a plurality of loading ledges on the fixture includes inserting each foot of the at least 2 feet of each of the loading ledges into a different one of the cups. This language should clarify that only one foot is inserted into any one cup.

Applicants respectfully submit that all of the pending claims comply with § 112, second paragraph.

B. Rejections of the Claims Under 35 U.S.C. § 103

Claims 21-32 have been rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent 2,828,931 to Harvey in view of U.S. Patent 5,599,031 to Hodges, U.S. Patent 4,717,025 to Maurer, and U.S. Patent 5,676,066 to Cavalier et al. This rejection is respectfully traversed.

Applicants recognize that the rejection of the claims is based upon a combination of the references, and not the references individually. In addressing the combination, Applicants

will address the individual references to point out certain factual inaccuracies in the way in which the Office Action has characterized them. Then, the combination rejection is addressed.

First, with respect to Harvey, the Office Action states that the only difference is “that the structure to engage a load is not a plurality of cups and further including a loading ledge attached to the cups, one or more packages is received on the loading ledges to form the unit load and the unit load after forming is lifted from the fixture together with t[sic] load is not lifted from the fixture.” Applicants note that the claims require that each loading ledge has at least 2 feet. The claims also require that each foot is received in a different one of the cups.

With respect to Hodges, the Office Action reads the claimed cups on the legs 25. Given this reading of Hodges, the Office Action has to construe the screw shanks 31 as the feet. When the Office Action gives Hodges this interpretation, then Hodges does not show any loading ledges having at least 2 feet. In addition, Hodges does not show loading ledges lifted from a fixture as part of a unit load.

With respect to Maurer, the Office Action has relied upon Maurer for showing “an elongated ledge structure.” First, it is noted that the claims do not require the loading ledge to be “elongated.” Second, the Office Action does not point out what structure in Maurer it relies on as being a loading ledge. It is noted that shipping pads are shown at 302 and 304. The pads 302, 304 do not have at least 2 feet, with each foot being received in a different cup. The structure 20 in Maurer is a shipping base with an entry slot 32 to receive a conventional fork lift. The shipping base 20 does not have at least 2 feet, with each foot being received in a different one of the cups.

In Cavalier et al., the load is placed in a rack, and the rack is used for transportation. Thus, Cavalier et al., does not show a load being formed on a fixture and then being lifted as a unit load from the fixture. Instead, in Cavalier et al., the rack is both a fixture and a part of the unit load. Thus, when the Office Action states that Cavalier teaches the use of providing a

package load lifted off together, this teaching is not helpful to the claims, which requires lifting the unit load together with the loading ledges from the fixture.

Because none of these references alone discloses, among other things, a loading ledge having at least 2 feet, wherein each foot is received within a different cup, then no combination of these references can result in the claimed inventions either.

In addition, MPEP § 2143.01 provides that the proposed modification or combination of prior art cannot change the principle of operation of the prior art reference being modified. The combination proposed in the Office Action does change the principle of operation of Harvey. In Harvey, a machine such as a lathe 60 is secured to a skid structure 10 by bolting. The entire skid structure 10 is then moved in order to transport the lathe 60. Modifying Harvey to include legs 25 from Hodges, some type of structure from Maurer, and the rack in Cavalier et al. would not result in a structure that would allow to transport machinery such as lathe 60 in Harvey. And, as pointed out above, such a combination would still lack all of the claimed structure.

In addition, the claims have been clarified to require that the cups are movable along a length of the respective transversal bar upon which each movable cup is mounted. In the combination proposed by the Examiner, there is no analogous structure in the form of a cup that would be movable along a respective transversal bar upon which it is mounted. For example, in Hodges, the legs 25 are vertically adjustable, but they are not adjustable along the length of the side members 11 and end members 12. As can be seen, flanges 32 fix the legs 25 in a non-adjustable position on the side members 11.

For at least these reasons, it is respectfully submitted that each of the claims is patentable over the prior art of record.

C. Summary

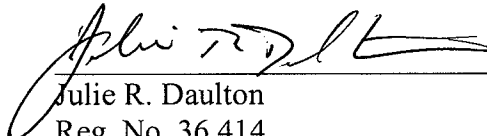
The claims have been amended to address the concerns of the Office Action under § 112, second paragraph. In addition, the above arguments clarify how the claims distinguish over the prior art of record.

For at least all of these reasons, it is respectfully submitted that the application, as amended, is condition for allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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